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SIDLEY AUSTIN LLP  
717 NORTH HARWOOD  
SUITE 3400  
DALLAS, TX 75201

EXAMINER
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SHAH, PARAS D

ART UNIT	PAPER NUMBER
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2626

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07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/750,020	Applicant(s) THALANANY ET AL.	
	Examiner Paras Shah	Art Unit 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ~          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/12/2005</u> ~  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to the Application filed on 12/31/2003. Claims 1-44 are pending and have been examined.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 08/12/2005 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the Applicant means by "weighted function." The Applicant has given by example, that the weighted function is used to give the floor to an individual who has high priority, but low speech energy (see Applicant's specification, [0026]). Hence, for the purposes of compact prosecution, the term "weighted function" was interpreted to be a value assigned based on priority of the talker and then compared to the other talker.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Rigstad *et al.* (US 6,044,150)

As to claims 1-3 and 42, Rigstad *et al.* discloses a method for talker arbitration, comprising:

receiving a speech energy level of a current talker in a communication session (see col. 10, lines 6-11) (e.g. It is stated that the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed.);

receiving a speech energy level of a prospective talker (see col.10, lines 6-11) (e.g. The prospective talker is the one that has a higher speech energy.);

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is seen that the higher energy level is selected.); and

granting said selected prospective talker floor control of said communication session (see lines 3-11) (e.g. Since the Rigstad reference uses half-duplex mode (see col. 10, lines 3-4), it is implied that the one who has the

higher energy will have floor control since half duplex only supports one way communication.)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, 7, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Rosen *et al.* (US 6,912,401).

As to claims 4 and 5, Rigstad discloses the receiving of the speech energy level from a prospective and current talker.

However, Rigstad *et al.* does not specifically disclose the energy level being received from the mobile station for both talkers.

Rosen *et al.* does disclose the use of mobile station for signaling floor control request (see col. 8, lines 66-col. 9, lines 1-5).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the talker arbitration of Rigstad *et al.* with the use of a mobile station to include phones taught by Rosen *et al.* The motivation to have combined the two references involves the inclusion of another communication means using a phone incorporating half-duplex mode in order to request the floor (see Rosen *et al.* col. 1, lines 23-32), which communicates with

the mobile station. This would benefit the system by Rigstad *et al.* and Rosen *et al.* in order to allow cellular communication along with PSTN for determining talker of half-duplex system.

As to claims 7 and 18, Rigstad *et al.* discloses the comparing of energy levels of the host and the remote user (see col.10, lines 6-11).

However, Rigstad *et al.* does not specifically disclose the use of priority levels based on the talkers.

Rosen *et al.* does disclose receiving a priority level of said current talker (see col. 3, lines 61-67 and col. 6, lines 8-11) (e.g. The priority levels are assigned to each device (see col. 3, lines 36-44). (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.); receiving a priority level of said prospective talker (see col. 3, lines 61-67 and col. 6, lines 8-11); wherein said step of selecting comprises selecting said prospective talker based on priority level of said prospective talker and said static level of said current talker ) (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.)

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the use of priority level taught by Rosen *et al.* The motivation to have combined the two references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which

would benefit the talker arbitration of Rigstad *et al.* allowing the use of speech energy as well as user priority in order to gain the floor as taught by Rosen *et al.*.

As to claim 9, Rosen *et al.* discloses the

priority levels of the talkers based on subscription profiles (see col. 6, lines 7-11) (e.g. It is stated in the Rosen *et al.* reference that user priority information is used, which is related to the subscription profile being used by the Applicant (see Applicant's specification, [0032])).

As to claims 10, 11, and 19, Rigstad *et al.* discloses the comparing of energy levels of the host and the remote user (see col.10, lines 6-11).

However, Rigstad *et al.* does not specifically disclose the use of dynamic priority levels based on the talkers.

Rosen *et al.* discloses

receiving a priority level of said current talker (see col. 3, lines 60-66);

and receiving a priority level of said prospective talker (see col. 3, lines 60-66) (e.g. It is seen from the Rosen *et al.* that various factors can be used to determine transmission access. The arbitration scheme of granting access is based on number of unsuccessful attempts. Each user may change in the queue depending on how many attempts they had unsuccessfully or successfully making them move up and down in the queue making it a dynamic process, which changes depending on the count.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the use of priority level taught by Rosen *et al.* The motivation to have combined the two references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the talker arbitration of Rigstad *et al.* allowing the use of speech energy as well as user priority in order to gain the floor as taught by Rosen *et al.*.

As to claim 12, 14, and 20, Rosen *et al.* discloses wherein the

priority level of said prospective talker is based on number of times granted floor control (see col. 3, lines 60-66) (e.g. It is seen from the Rosen *et al.* reference that the number of unsuccessful events is a factor in gaining transmission privilege for candidate talker.) Further, it would be obvious that the more unsuccessful attempts the higher the priority, while the more success then lower the priority (see col. 3, lines 63-64 in order to determine granting of the transmission (see col. 3, lines 59-61).

As to claim 13, Rigstad *et al.* discloses the use of a threshold for granting floor control (see lines 3-11).

However, Rigstad *et al.* does not specifically disclose the number of times a talker has been granted floor control exceeds a threshold then no floor control is given.



Rosen *et al.* discloses the receiving a priority level of said prospective talker (see col. 3, lines 60-66).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have included a threshold value to determine whether to prevent the floor to be given. The motivation to have included such a feature allows arbitration as to who should be granted access to the floor (see Rosen *et al.*, col. 3, lines 60-63).

As to claims 15-17, Rigstad *et al.* discloses

receiving a speech energy level of a current talker in a communication session (see col. 10, lines 6-11) (e.g. It is stated that the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed.) receiving a speech energy level of a prospective talker (see col.10, lines 6-11) (e.g. The prospective talker is the one that has a higher speech energy.));

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is seen that the higher energy level is selected.);

and granting said selected prospective talker floor control of said communication session (see lines 3-11) (e.g. Since the Rigstad reference uses half-duplex mode (see col. 10, lines 3-4), it is implied that the one who has the

higher energy will have floor control since half duplex only supports one way communication).

However, Rigstad *et al.* does not specifically disclose the second prospective talker.

Rosen *et al.* discloses a second prospective talker (see Figure 1, elements 102, 104, and 106 and col. 3, lines 36-37 and col. 3, lines 55-58) and the mobile base station (see col. 8, lines 66-col. 9, lines 1-5).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the incorporation of another prospective talker as taught by Rosen *et al.*. The motivation to have included another talker allows for communication among members of a net (see Rosen *et al.*, col. 3, lines 7-16); which would allow the Rigstad *et al.* talker arbitration to encompass more talkers.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Heidari (US 5,550,893).

As to claim 6, Rigstad *et al.* discloses the speech energy levels (see col. 10, lines 6-11).

However, Rigstad *et al.* does not specifically discloses the use of a voice codec.

Heidari discloses the use of a vocoder or voice codec for speech communication (see col. 5, lines 21-30 and col. 4, lines 24-25).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with incorporation of a vocoder as taught by Heidari. The motivation to have combined the two references involves the compression of the speech signals enabling more conversations to occur concurrently by the telephone network (see Heidari, col. 5, lines, 30-35), which would allow more talkers to join the conversation in the system taught by Rigstad *et al.* and Heidari.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Rosen *et al.* as applied to claim 7 above, and further in view of Letellier (US 6,154,530).

As to claim 8, Rigstad *et al.* and Rosen *et al.* does disclose the use of priority levels when performing talker arbitration (see Rosen *et al.*, col. 3, lines 61-67 and col. 6, lines 8-11).

However, Rigstad *et al.* and Rosen *et al.* do not specifically disclose the use of a scaling parameter denoting the priority levels and selecting the talker based on the energy and the priority.

Letellier does disclose the assigning of values to the priority of talkers (see 3, lines 19-27) (e.g. The priority index is a value used to compare the priority of the calls in terms of numbers).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined a priority level value for each talker as

taught by Letellier with the energy levels taught by Rigstad *et al.* and Rosen *et al.* for talker arbitration. The motivation to have included such a value is to determine the priority level of calls (see Letellier, col. 2, lines 1-5) as would be seen in a half-duplex communication taught by Rigstad *et al.* and Rosen *et al.* in order to determine the talker.

10. Claims 21-24, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla *et al.* (US 6,999,783) in view of Rigstad *et al.*

As to claims 21, 22, 24, and 35, Toyryla discloses

a first mobile station (e.g. It should be noted that the Applicant refers to mobile station as a mobile phone (see Applicant's Specification, [0013], line 2) associated with a current talker in a communication session (see Figure 1, element 10);

a second mobile station associated with a prospective talker (see Figure 1, element 12 and col. 5, lines 15-19); a server, connected to said first and second mobile stations,

said server adapted to enable one of said first and second mobile stations to transmit (see Figure 1, element 14 and col. 5, lines 19-22). Toyryla *et al.* discloses a third mobile station (see Figure 1, element 13 and col. 5, line 15).

However, Toyryla *et al.* does not specifically disclose the use of speech energy levels received from the mobile stations. Rigstad *et al.* does disclose the use of energy levels for half-duplex communication (see col. 10, lines 3-10.).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the system for talker arbitration taught by Toyryla *et al.* with the transmitting of energy levels taught by Rigstad *et al.* The motivation to have combined the two references involves the usage of the energy levels to determine who has access to the channel (see Rigstad *et al.*, col. 10, lines 3-6) in order to grant that user the floor based on a threshold limit in the system taught by Toyryla *et al.* and Rigstad *et al.*

As to claim 23, Toyryla discloses the

use of a press-to-talk over cellular (e.g. This is the same as a press-to-talk over cellular) communication system (see col. 4, lines 64-col. 5, lines 1-4).

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla *et al.* in view of Rigstad *et al.* as applied to claim 21 above, and further in view of Heidari (US 5,550,893).

As to claim 25, Toyryla *et al.* and Rigstad *et al.* discloses the speech energy levels (see Rigstad *et al.*, col. 10, lines 6-11).

However, Toyryla *et al.* and Rigstad *et al.* do not specifically discloses the use of a voice codec.

Heidari discloses the use of a vocoder or voice codec for speech communication (see col. 5, lines 21-30 and col. 4, lines 24-25).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the talker arbitration of Toyryla *et al.* and Rigstad *et al.* with incorporation of a vocoder as taught by Heidari. The motivation to have combined the references involves the compression of the speech signals enabling more conversations to occur concurrently by the telephone network (see Heidari, col. 5, lines, 30-35), which would allow more talkers to join the conversation in the system taught by Toyryla *et al.*, Rigstad *et al.*, and Heidari.

12. Claims 26, 27, 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla *et al.* (US 6,999,783) in view of Rigstad *et al.* as applied to claim 21 above, and further in view of Rosen *et al.*

As to claims 26, 27, 36, and 37, Toyryla *et al.* and Rigstad *et al.* discloses the comparing of energy levels of the host and the remote user (see Rigstad *et al.*, col.10, lines 6-11).

However, Toyryla *et al.* and Rigstad *et al.* do not specifically disclose the static priority levels of talkers.

Rosen *et al.* does disclose receiving a priority level of said current talker (see col. 3, lines 61-67 and col. 6, lines 8-11) (e.g. The priority levels are assigned to each device (see col. 3, lines 36-44). (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.);

receiving a priority level of said prospective talker (see col. 3, lines 61-67 and col. 6, lines 8-11);

wherein said step of selecting comprises selecting said prospective talker based on priority level of said prospective talker and said static level of said current talker ) (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.) The selection of members receiving the priority can be more than two as seen by Figure 1, elements 102, 104, 106 and col. 3, lines 55-57).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the talker arbitration of Toyryla *et al.* and Rigstad *et al.* with the use of priority level taught by Rosen *et al.* The motivation to have combined the references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the comparing of energy levels taught by Rigstad *et al.* and the communication among groups taught by Toyryla *et al.* allowing the use of speech energy as well as user priority in order to gain the floor.

As to claim 29, Rosen *et al.* discloses

the priority levels of the talkers based on subscription profiles (see col. 6, lines 7-11) (e.g. It is stated in the Rosen *et al.* reference that user priority

Art Unit: 2626

information is used, which is related to the subscription profile being used by the Applicant (see Applicant's specification, [0032]).

As to claims 30, 31, 38, and 39, Toyryla *et al.* discloses the mobile stations accessing a server.

Rigstad *et al.* discloses the comparing of energy levels of the host and the remote user (see col.10, lines 6-11).

Toyryla *et al.* discloses the mobile stations accessing a server (see col. 5, line 18-19).

However, Toyryla *et al.* and Rigstad *et al.* do not specifically disclose the use of dynamic priority levels based on the talkers.

Rosen *et al.* discloses receiving a priority level of said current talker (see col. 3, lines 60-66); and receiving a priority level of said prospective talker (see col. 3, lines 60-66) (e.g. It is seen from the Rosen *et al.* that various factors can be used to determine transmission access. The arbitration scheme of granting access is based on number of unsuccessful attempts. Each user may change in the queue depending on how many attempts they had unsuccessfully or successfully making them move up and down in the queue making it a dynamic process, which changes depending on the count.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the system of talker arbitration of Toyryla *et al.* and Rigstad *et al.* with the use of priority level taught by Rosen *et*



*a/*. The motivation to have combined the references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the comparing of energy levels taught by Rigstad *et al.* allowing the use of speech energy as well as user priority in order to gain the floor.

As to claims 32, 34, and 40, Rosen *et al.* discloses wherein

the priority level of said prospective talker is based on number of times granted floor control (see col. 3, lines 60-66) (e.g. It is seen from the Rosen *et al.* reference that the number of unsuccessful events is a factor in gaining transmission privilege for candidate talker). Further, it would be obvious that the more unsuccessful attempts the higher the priority, while the more success then lower the priority (see col. 3, lines 63-64 in order to determine granting of the transmission (see col. 3, lines 59-61).

As to claims 33 and 41,

Toyryla *et al.* and Rigstad *et al.* discloses the use of a threshold for granting floor control (see Rigstad *et al.*, lines 3-11).

However, Toyryla *et al.* and Rigstad *et al.* does not specifically disclose the number of times a talker has been granted floor control exceeds a threshold then no floor control is given.

Rosen *et al.* discloses the receiving a priority level of said prospective talker (see col. 3, lines 60-66).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have included a threshold value taught by Rigstad *et al.* to determine whether to prevent the floor to be given to the system of Toyryla *et al.* The motivation to have included such a feature allows arbitration as to who should be granted access to the floor (see Rosen *et al.*, col. 3, lines 60-63).

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla *et al.* in view of Rigstad *et al.* in view of Rosen *et al.* as applied to claim 26 above, and further in view of Letellier (US 6,154,530).

As to claim 28, Toyryla *et al.* and Rigstad *et al.* and Rosen *et al.* do disclose the use of priority levels when performing talker arbitration (see Rosen *et al.*, col. 3, lines 61-67 and col. 6, lines 8-11).

However, Toyryla *et al.* and Rigstad *et al.* and Rosen *et al.* do not specifically disclose the use of a scaling parameter denoting the priority levels and selecting the talker based on the energy and the priority.

Letellier discloses the assigning of values to the priority of talkers (see 3, lines 19-27) (e.g. The priority index is a value used to compare the priority of the calls in terms of numbers).

It would have been obvious at the time the invention was made to have combined a priority level value for each talker as taught by Letellier and also

Art Unit: 2626

taking into consideration the energy levels taught by Toyryla *et al.* and Rigstad *et al.* and Rosen *et al.* The motivation to have included such a value is to determine the priority level of calls (see Letellier, col. 2, lines 1-5) as would be seen in a half-duplex communication taught by Rigstad *et al.* in order to determine the talker.

14. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Rosen *et al.*

As to claims 43 and 44, Rigstad *et al.* discloses a method for talker arbitration, comprising:

receiving a speech energy level of a current talker in a communication session (see col. 10, lines 6-11) (e.g. It is stated that the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed.) ; receiving a speech energy level of a prospective talker (see col.10, lines 6-11) (e.g. The prospective talker is the one that has a higher speech energy.));

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is seen that the higher energy level is selected.); and

granting said selected prospective talker floor control of said communication session (see lines 3-11).

However, Rigstad *et al.* does not specifically disclose the use of static or dynamic priority levels based on the talkers.

Rosen *et al.* does disclose receiving a priority level of said current talker (see col. 3, lines 61-67 and col. 6, lines 8-11) (e.g. The priority levels are assigned to each device (see col. 3, lines 36-44). (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.); receiving a priority level of said prospective talker (see col. 3, lines 61-67 and col. 6, lines 8-11); wherein said step of selecting comprises selecting said prospective talker based on priority level of said prospective talker and said static level of said current talker ) (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority). Further, Rosen *et al.* discloses receiving a priority level of said current talker (see col. 3, lines 60-66); and receiving a priority level of said prospective talker (see col. 3, lines 60-66) (e.g. It is seen from the Rosen *et al.* that various factors can be used to determine transmission access. The arbitration scheme of granting access is based on number of unsuccessful attempts. Each user may change in the queue depending on how many attempts they had unsuccessfully or successfully making them move up and down in the queue making it a dynamic process, which changes depending on the count.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the use of priority level taught by Rosen *et al.* The motivation to have

combined the two references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the talker arbitration of Rigstad *et al.* allowing the use of speech energy as well as user priority in order to gain the floor.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horn *et al.* (US 5,953,049) is cited to disclose an audio/video conferencing system based on speech energy and floor control. Iyer *et al.* (US 6,563,804) is cited to disclose the use of a half-duplex circuit for communication for speech. Dommel *et al.* ("Floor control for multimedia conferencing and collaboration") is cited to disclose floor control techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-THURS. 7:30a.m.-4:00p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

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PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER